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27 NOV 1970

MEMORANDUM FOR: Acting Deputy Director for Support

THROUGH : Director of Logistics *off*

SUBJECT : Considerations Relevant to PL 86-249 and the
Law's Effect Upon the Building Planning Program

REFERENCE : Public Law 86-249, Public Buildings Act of 1959, as
amended, described and highlighted in the U.S.
CODE CONG. AND ADMIN. NEWS - pertinent
sections of which are included in Attachment 2

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1. This memorandum is for information only in response to your request to [REDACTED] Acting Director of Logistics. The paper relates some of the differences between "special purpose" type buildings and "general purpose" or "public" type buildings. Also the options available to CIA in carrying out a construction program are discussed, with particular attention being given to GSA versus Agency responsibility.

2. PL 86-249 was intended to strengthen controls over the construction of "public buildings" and provides the general authority for the orderly planning and construction of public buildings. It provides for carrying out a program for repair, remodeling, improvement, and new construction of public buildings of the classes under the control of the GSA. Special purpose facilities closely related to activities of the various departments and agencies of the Federal Government are not encompassed by the bill. As defined in the Law, the term "public building" means any building, whether for single or multitenant occupancy, its grounds, approaches, and appurtenances, which is generally suitable for office or storage space or both for the use of one or more Federal agencies or mixed ownership corporations.

3. The Law, in describing public buildings as those which provide general purpose office, storage and related space, in Section 13(1), is explicit in stating which types and classes of buildings are included and just as clearly excludes others. The Law is limited to those types of classes of buildings which historically have been the responsibility of the Administrator and his predecessors. No detailed breakdown of space categories appears in PL 86-249; however, Attachment 1 holds a listing of Office, Storage, and Special Types of space being

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applied in the determinations of the GSA. Attachment 2 identifies ten broad groupings of government buildings which are covered under the Law; these are noted on the bottom of page 2 and top of page 3 of this Attachment.

4. The Agency could proceed in one of three basic courses of action in acquiring the necessary authorities to construct new facilities.

a. If the Agency and GSA chose to consider any planned structure as being primarily general purpose office type or storage type space, the Law would embrace it. In this case, unless a Presidential exclusion from the Law was requested and granted under Sec. 13(1)(I), we would have to follow the normal GSA plan of action. We would of necessity have our building request processed through the House and Senate Public Works Committees. We would have little if any control over selection of A&E or construction contractors. Also, and most important, CIA would have to "stand in line". Whenever there are 30 or more projects which have had Committee approval for more than one year but for which no appropriations have been made, the Committees may not approve further projects until the backlog has been reduced below 30 by rescission or by appropriation. A further condition of the Law is stated in Sec. 15; the Administrator of GSA has the discretionary authority to delegate to another agency his responsibilities in carrying out acquisition and construction activities when he determines that efficiency and economy will be promoted thereby.

b. CIA could justify exemption from the Law on grounds that a structure(s) required to house Agency activities is primarily "special purpose" and unique to Agency operations. In this case we would demonstrate that such construction was specifically excluded from PL 86-249, by the Law itself. Under these conditions the jurisdiction of the House and Senate Committees on Public Works would not apply. Here we would have the opportunity to "go it alone"; negotiate the necessary contracts for A&E, site development and construction, supervise all aspects of architecture, engineering and construction, conduct the essential liaison with congressional leaders (and the related mountains of correspondence), meet with local and national political leaders, maintain all records and accounting, etc. CIA would be required to establish special staff elements for five to six years for such construction effort including numerous logistics, finance, security and technical personnel (employees or contract).

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c. If exemption from PL 86-249 is legally established, as posed in 4.b. above or exclusion acquired via the White House, CIA could enter into a special agreement with GSA to have it serve as the Executive Agent of the Agency in the planning for and construction of the required facilities. In a building program the size of the one presently under consideration, the A&E and administration and supervision aspects of the work would amount to several millions of dollars. In such a case the GSA would undoubtedly augment its new construction office accordingly. If the GSA Administrator, Robert Kunzig, follows the new GSA procedures which he recently discussed before the recent Associated General Managers Conference, he may even staff a separate project office headed by a "construction manager" to handle an activity of this scope. This use of GSA would place the least strain on this Agency. A construction liaison and supervision team would have to be established with the inclusion of architects, engineers, space planners, technicians (security and communications) and organizational managers. Also directorate coordinators and information development groups will have to be organized to the extent required, depending upon the components involved.

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Chief,
Building Planning Staff, OL

2 Atts

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